



CHARLES L. NAIL, JR.
BANKRUPTCY JUDGE

FEDERAL BUILDING AND UNITED STATES POST OFFICE
225 SOUTH PIERRE STREET, ROOM 211
PIERRE, SOUTH DAKOTA 57501-2463

TELEPHONE: (605) 945-4490
FAX: (605) 945-4491

January 19, 2011

Jesse J. Ronning, Esq.
Counsel for Debtors
Post Office Box 524
Brookings, South Dakota 57006-0524

Hazel Farmers Elevator
Lyman Hanson, Manager
Post Office Box 82
Hazel, South Dakota 57242

Subject: *In re Abraham Arie Vant Zelfde and Gertrude Ann Vant Zelfde*
Chapter 7; Bankr. No. 10-10175

Dear Mr. Ronning and Mr. Hanson:

The matter before the Court is the Motion to Discharge Judgments filed by Debtors Abraham Arie Vant Zelfde and Gertrude Ann Vant Zelfde. This is a core proceeding under 28 U.S.C. § 157(b)(2). This letter decision and subsequent order shall constitute the Court's findings and conclusions under Fed.Rs.Bankr.P. 7052 and 9014(c). As set forth below, Debtors' motion will be granted.

Summary. Hazel Farmers Elevator ("Elevator") obtained a judgment against Abraham Arie Vant Zelfde or Gertrude Ann Vant Zelfde in state court for \$2,122.13, plus costs. The Vant Zelfdes ("Debtors") subsequently filed for relief under chapter 7 of the bankruptcy code and listed Elevator as an unsecured creditor on their schedule of liabilities (doc. 1).

The bankruptcy clerk served a notice of commencement of the case on Debtors' creditors, including Elevator (doc. 7). The notice of commencement of case stated the deadline for filing a complaint objecting to Debtors' discharge or to determine the dischargeability of a particular debt was November 15, 2010.

Neither Elevator nor any of Debtors' other creditors filed a complaint objecting to Debtors' discharge or to determine the dischargeability of a particular debt. Debtors

The relevant facts are not in dispute. The issue presented is purely a question of law. Thus, no hearing was held.

In re Vant Zelfde
January 19, 2011
Page 2

were therefore granted a discharge under § 727 of the bankruptcy code on November 16, 2010 (doc. 21).

Debtors filed a Motion to Discharge Judgments (doc. 28). Elevator's judgment was listed in Debtors' motion. Elevator filed an objection to Debtors' motion, in which it stated it did not want its judgment discharged because they sold feed to Debtors in good faith (doc. 36).

Discussion. Section 524(a)(1) of the bankruptcy code provides:

- (a) A discharge in a case under this title –
 - (1) voids any judgment at any time obtained, to the extent that such judgment is a determination of the personal liability of the debtor with respect to any debt discharged under section 727, 944, 1141, 1228, or 1328 of this title, whether or not discharge of such debt is waived[.]

Section 524(a)(1) does not require the debtor to do anything to void a judgment. The discharge *automatically* voids any judgment that represents a determination of the debtor's personal liability for a debt that has been discharged.

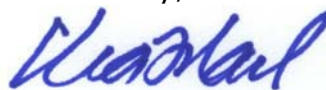
Section 15-16-20 of the South Dakota code establishes the procedure for removing such a judgment from the records of the clerk of court for the county in which the judgment was docketed. When a debtor receives a bankruptcy discharge, he may file a motion in the bankruptcy court for an order listing each state court judgment that has been voided. Upon receipt of the bankruptcy court's order, the clerk of court must enter the order in the judgment docket. This has the effect of discharging the listed judgments from and after that date.

In this case, Elevator received notice of Debtors' bankruptcy. Elevator did not timely object to Debtors' general discharge of all debts or to the dischargeability of its particular claim. Its claim was therefore discharged on November 16, 2010, and its judgment was automatically voided on that same date. Debtors are thus entitled to the relief requested in their motion. The Court will enter an appropriate order.

On the above date, a copy of this document was mailed or faxed to the parties shown on the attached service list.

Frederick M. Entwistle
Clerk, U.S. Bankruptcy Court
District of South Dakota

Sincerely,



Charles L. Nail, Jr.
Bankruptcy Judge

NOTICE OF ENTRY
Under Fed.R.Bankr.P. 9022(a)

This order/judgment was entered on the date shown above.

Frederick M. Entwistle
Clerk, U.S. Bankruptcy Court
District of South Dakota

CLN:sh

cc: case file (docket original; serve parties in interest)

Hazel Farmers Elevator
Lyman Hanson, Manager
Post Office Box 82
Hazel, South Dakota 57242

Abraham Arie Vant Zelfde
511 E. Harry Street
Castlewood, SD 57223

Gertrude Ann Vant Zelfde
511 E. Harry Street
Castlewood, SD 57223